



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

28 NOV 1978

SARDA

SUBJECT: Procurement Information Letter 78-28
Paragraphs
1. Recovered Material
2. Stipulation Between the US and Westinghouse Electric Corporation

SEE DISTRIBUTION

1. Recovered Material. In order to expedite implementation of action taken by the DAR Council on 17 November 1978, the Council has instructed the Departments to distribute the following announcement:

A new Part 25 (Incl 1) has been added to DAR Section I to implement the Solid Waste Disposal Act (P.L. 89-272) and OFPP Policy Letter 77-1. In advance of publication in a forthcoming Defense Acquisition Circular and effective immediately, solicitations which incorporate Government specifications requiring utilization of recovered materials shall include the new certification at 7-2003.82 (Incl 2).

2. Stipulation Between the US and Westinghouse Electric Corporation. As a result of a stipulation entered into by the United States and Westinghouse Electric Corporation the following information should be communicated to all Department of the Army contracting officers:

a. Westinghouse Electric Corporation, including its divisions and subsidiaries, has not been debarred under Executive Order 11246, and Westinghouse continues to be eligible to bid upon and receive Government contracts and subcontracts.

b. Westinghouse products and services may continue to be used by Government contractors and subcontractors.

FOR THE ASSISTANT SECRETARY OF THE ARMY (RDA):

Arthur Daoulas

ARTHUR DAOULAS
Colonel, GS
Assistant Deputy for
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2 Incl
as



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Command, ATTN: DRSEL-PC-P-PP, Ft Monmouth, NJ 07703
Commander, US Army Troop Support and Aviation Materiel Readiness Command,
ATTN: DRSTS-PB(1) St Louis MO 63120
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ATTN: DRDTA-P, Warren, MI 48090
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Chief, National Guard Bureau, Departments of the Army and Air Force,
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Commander, Military Traffic Management Command, ATTN: MTAS, 5611 Columbia
Pike, Falls Church, VA 22041
Project Manager, Federal Acquisition Regulation Project Office, 1815 N. Lynn
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Commander, US Army Health Services Command, ATTN: HSLO-P, Ft Sam Houston,
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DA, TAGO, TAGCEN, Central NAF Procurement Division, ATTN: DAAG-TCP-MP,
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DAR 1-2500 RECOVERED MATERIAL.

1-2500.1 Scope.

This part prescribes policies and procedures regarding the use of recovered materials.

1-2500.2 Policy.

The policy of the Government is to obtain items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

1-2500.3 General.

Basic policy is provided in the Solid Waste Disposal Act (Public Law 89-272, October 20, 1965; 42 U.S.C. 3251 et. seq.) as amended by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, October 21, 1976; 42 U.S.C. 6901 et. seq.), and the Office of Federal Procurement Policy Letter Number 77-1. The legislation requires Executive Agencies responsible for drafting or reviewing specifications to assure that Government specifications and standards (1) do not exclude the use of recovered materials, (2) do not require the item to be manufactured from virgin materials, and (3) require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item. It also requires the Administrator, Environmental Protection Agency (EPA) to prepare guidelines setting forth information on the availability, sources, and potential uses of recovered materials and associated items, including solid waste management services and recovered materials to be used as fuel.

1-2500.4 Definition

"Recovered material" means material which has been collected or recovered from solid waste.

1-2500.5 Procedure.

(a) These procedures are applicable to all acquisitions using Government specifications which require incorporation of specified minimum percentages of recovered materials.

(b) Solicitations which incorporate government specifications requiring utilization of recovered materials shall include the certification in 7-2003.82.

(c) Requirements in Government specifications for use of recovered materials may be waived by the contracting officer only after a determination that the items:

- (1) are not available within a reasonable period of time,
- (2) fail to meet performance standards set forth in specifications, or
- (3) are available only at unreasonable prices.

7-2003.82 RECOVERED MATERIAL.

The following certification shall be inserted in solicitations as required by 1-2500.5(b):

The Contractor certifies by signing this bid/proposal/quotation that recovered materials, as defined in DAR 1-2500.4, will be used as required by the applicable specifications.

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Next 2 Page(s) In Document Exempt

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